

USCIRF recommends 11 nations to Secretary Powell As "Countries of Particular Concern"

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WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) has recommended to Secretary of State Colin Powell that he designate the following 11 countries as "countries of particular concern" (CPCs) for the systematic, ongoing, and egregious violations of religious freedom that the governments are responsible for or have tolerated: Burma, Democratic People's Republic of Korea (North Korea), Eritrea, India*, Iran, Pakistan, People's Republic of China, Saudi Arabia, Sudan, Turkmenistan, and Vietnam. The State Department has not yet named Eritrea, India, Pakistan, Saudi Arabia, Turkmenistan or Vietnam.

"The designation of countries of particular concern is one of the most important human rights acts taken by the U.S. government. We strongly urge the State Department to name those countries that have not yet been designated," said USCIRF Chair Michael K. Young.

The simple designation of a severe violator of religious freedom as a CPC is not sufficient action. CPC designation carries an obligation that one or more of certain actions specified in Section 405 of the International Religious Freedom Act of 1998 (IRFA) be taken, unless the President determines that pre-existing sanctions are adequate or otherwise waives the requirement. For every country named a CPC to date, the only official actions taken have been to invoke already existing sanctions rather than to take additional action to advance religious freedom pursuant to IRFA.

"We strongly urge Secretary Powell to engage these governments in as many ways as possible in order to better promote religious freedom in these countries, and particularly encourage use of the policy tools outlined in IRFA. Moreover, the Commission has made specific policy recommendations on China, India, North Korea, Pakistan, Saudi Arabia, Sudan, Turkmenistan, and Vietnam, and we encourage him to give special attention to those recommendations," said Young.

Background papers on the countries USCIRF has recommended for CPC designation are available on our Web site at www.uscifr.gov.

The text of the letter follows:

Dear Secretary Powell:

In compliance with the International Religious Freedom Act of 1998 (IRFA), the United States Commission on International Religious Freedom, an independent federal agency, has assessed the evidence, including that contained in the State Department's 2003 Annual Report on International Religious Freedom, regarding especially severe violations of religious freedom around the world. The Commission has focused particularly on countries whose governments are responsible for or have tolerated systematic, ongoing, and egregious violations of religious freedom. As a result of this examination, the Commission recommends that you designate the following 11 countries as countries of particular concern (CPCs): Burma, Democratic People's Republic of Korea (North Korea), Eritrea, India*, Iran, Pakistan, People's

Republic of China, Saudi Arabia, Sudan, Turkmenistan, and Vietnam.

The Commission respectfully requests a meeting with you prior to your CPC determinations to discuss the Commission's full findings and recommendations on these proposed CPCs. We would also like to discuss the actions planned toward those countries that are officially designated as CPCs.

In March 2003, you designated Burma, China, Iran, Iraq, North Korea, and Sudan as CPCs. It is the opinion of the Commission that, with the exception of Iraq, nothing has changed to warrant the removal of these countries from the list of CPC designations.

In light of the fall of Saddam Hussein's Ba'athist regime in Iraq in April 2003 and the policies established under the new Governing Council, the Commission no longer recommends Iraq for CPC status. However, the Commission urges the U.S. government to remain highly engaged in the process of restoring freedom and building democracy in Iraq, including in the development of a new constitution for that country that will guarantee every individual's right to freedom of thought, conscience, and religion, and other human rights. Although the people of Iraq are now experiencing many religious freedoms for the first time in more than two decades, some prominent individuals and groups in Iraq have been demanding the implementation of Islamic law (Sharia) in a manner that would constitute a potential threat to the freedom of thought, conscience, or belief of all the citizens of Iraq.

The Commission remains especially concerned about the situation in China, where repression of religious freedom continues to be a deliberate policy of the Chinese government. In the past year, Chinese authorities have intensified their violent campaign against religious believers, including Evangelical Christians, Roman Catholics, Uighur Muslims, Tibetan Buddhists, and other groups, such as the Falun Gong. This campaign has included imprisonment, torture, and other forms of ill treatment. As you know, the Commission attempted to travel to China twice in the past year but was thwarted in both attempts by unacceptable limits imposed by the Chinese government that prevented such a visit. The Commission recently visited Hong Kong, but continues to seek a visit to other regions of China.

In addition to the five countries previously designated by you as CPCs, the Commission finds that the governments of Eritrea, India*, Pakistan, Saudi Arabia, Turkmenistan, and Vietnam have engaged in or tolerated particularly severe violations of religious freedom, and recommends that they be designated as CPCs this year.

According to the State Department, religious freedom does not exist in Saudi Arabia. The Saudi government forcefully bans all forms of public religious expression other than that of the government's interpretation of one school of Sunni Islam. There are serious reports, which warrant official U.S. government investigation, that Saudis are funding efforts to propagate globally a religious ideology that promotes hate, intolerance, and other human rights violations toward non-Muslims and disfavored Muslims.

For the second year in a row, the State Department has reported that religious freedom has deteriorated in Turkmenistan. The Turkmen government effectively bans religious activity other than that of the government-controlled Sunni Muslim Board and the Russian Orthodox Church. Religious freedom conditions in Turkmenistan are likely to decline even further after the passage of a new religion law that criminalizes "illegal" religious activity.

Repressive policies to control religious activity continue in Vietnam, where key religious dissidents continue to be imprisoned and members of religious minorities in the northwestern provinces and Central Highlands face intensified official efforts to renounce their faith or face beatings, arrests, relocations, or the loss of government services.

In Pakistan, there continues to be an inadequate government response to vigilante violence frequently perpetrated by Sunni militants against Shi'as, Ahmadis, and Christians. Official government policies result in other religious freedom

violations, including imprisonment under the anti-Ahmadi and blasphemy laws.

In India*, violence, including fatal attacks, against Muslims and Christians continues, and the government has yet to address adequately the killing of an estimated 2,000 Muslims in the state of Gujarat in 2002. Several central government ministers from the ruling Bharatiya Janata Party, or BJP, have publicly allied themselves with extremist Hindu organizations, known collectively as the Sangh Parivar, whose members regularly employ hate speech against religious minorities, have been implicated in violence against them, and seek legislation to prohibit the religious conversion of Dalits and others from Hinduism.

The government of Eritrea in the past two years has cracked down on members of various religious groups, including through the closure of all churches not belonging to officially recognized religious denominations, the arrest of participants at prayer meetings and other gatherings, and the imprisonment of armed forces members found in possession of certain religious literature. The State Department reports that over 300 persons are in jail because of their membership in unregistered religious groups.

Summaries of conditions in all of the countries that the Commission has recommended be designated as CPCs are attached.

We respectfully draw your attention to the fact that under IRFA, the simple designation of a severe violator of religious freedom as a CPC is not sufficient action by the U.S. government. CPC designation carries an obligation that one or more of certain actions specified in Section 405 of IRFA be taken, unless the President determines that pre-existing sanctions are adequate or otherwise waives the requirement. Yet, for every country named a CPC to date, the only official actions taken have been to invoke already existing sanctions rather than taken additional action to advance religious freedom pursuant to IRFA. We strongly urge you to engage these governments in as many ways as possible in order better to promote religious freedom in these countries, and particularly encourage use of the means outlined in Section 405 of IRFA. Moreover, the Commission has made specific policy recommendations on China, India, North Korea, Pakistan, Saudi Arabia, Sudan, Turkmenistan, and Vietnam, and we encourage you to give special attention to those recommendations, which can be found in the attached country summaries.

In addition to its CPC recommendations, the Commission has established a Watch List of countries where religious freedom conditions do not rise to the statutory level requiring CPC designation but which require close monitoring because of the nature and extent of violations of religious freedom engaged in or tolerated by the governments. Egypt, Indonesia, Nigeria, and Uzbekistan remain on the Commission's Watch List due to concerns about the serious abuses in these countries, and because the governments have either not halted repression and/or violence against persons amounting to severe violations of freedom of religion, or failed to punish those responsible for perpetrating those acts. Because religious freedom continues to be sharply curtailed in Cuba, and because of the deteriorating religious freedom conditions in Belarus and Georgia, the Commission has decided to place those countries on its Watch List. A summary of religious freedom conditions in each of the Commission's Watch List countries is also attached to this letter for your consideration.

As there continue to be serious religious freedom problems in Laos, that country has also been placed on the Commission's Watch List. Several problematic government policies remain in place in Laos, including Decree 92, the law on religion, which reportedly is being used to impede the activities of certain religious groups. Since the Commission last issued its CPC recommendations, however, many known religious prisoners in Laos have been released; reportedly, forced renunciations have largely ceased; and the government has pledged to allow the reopening of a number of churches that it had closed in recent years. Although periodic arrests by local officials continue in certain Lao provinces, including almost two dozen Christians in two incidents in December 2003, those detained have been released in a matter of days. In these cases, the Lao government appears to have been responsive to concerns raised by the U.S. Embassy.

The Commission strongly urges serious U.S. engagement with the governments of these Watch List countries. The Commission has made policy recommendations on Belarus, Indonesia, Laos, and Uzbekistan, and respectfully draws your attention to them.

IRFA sets forth that the policy of the United States is to oppose particularly severe violations of religious freedom. The designation of CPCs and actions taken in response to such designations are among the most significant responsibilities conferred under IRFA. The Commission looks forward to discussing its recommendations with you.

Thank you.

Respectfully yours,

Michael K. Young

Chair

* Commissioners Bansal, Gaer, and Young dissent from the Commission's recommendation that India be designated a country of particular concern (CPC). Their views with respect to India are reflected in a separate opinion, attached to this letter as Appendix A. Commissioner Chaput also joins this separate opinion, and would place India on the Watch List rather than recommend that it be designated a CPC.

APPENDIX A

SEPARATE OPINION OF COMMISSIONERS BANSAL, CHAPUT, GAER, AND YOUNG WITH RESPECT TO INDIA

"We remain deeply concerned over incidents of religiously-based violence in Gujarat and other parts of India that have resulted in loss of life, physical abuse, displacement, and other abuses. Moreover, we are very concerned that justice has not been done for the victims of the violence against Muslims that took place in Gujarat in early 2002, and that incidents of mob violence against Christians, Muslims, and other religious minorities have continued in parts of the country, but we respectfully dissent from the decision to recommend that India be named a CPC."

"As noted in the dissent last year, India, unlike the other countries on the Commission's recommended CPC or Watch List, is a respected constitutional democracy with manifold religious traditions that coexist and flourish under extreme economic and other conditions; has a judiciary which is independent, albeit slow-moving and frequently unresponsive, that can work to hold the perpetrators responsible; contains a vibrant civil society with many vigorous, independent non-governmental human rights organizations that have investigated and published extensive reports about the Gujarat government's handling of the situation and the rise of religiously-motivated violence; and is home to a free press that has widely reported on and strongly criticized the situation on the ground in Gujarat and the growing threats to a religiously plural society within India. In fact, some of the most vociferous critics of the Gujarat government's handling of the 2002 situation and the prosecutions thereafter have been Indian governmental bodies - including the National Human Rights Commission, the National Commission on Minorities, and the National Commission for Women, and much of the source material for critical analysis of the state of religious freedom in India derives from publications of the Indian media and of nongovernmental and other civil society groups within India."

"Moreover, since last year, national governmental bodies have taken a number of significant steps to reign in excesses or to correct insufficient action at the state level. The Indian Supreme Court has forcefully denounced Gujarat state authorities' handling of certain prosecutions, halted key trials, and paved the way for changes of venue to ensure justice. With such visible and proactive intervention, the Supreme Court has made clear that it will take action to ensure justice. In addition, initial convictions and life sentences for a dozen perpetrators of the Gujarat violence have been handed down recently. Justice has been done this year in the state of Orissa in the widely reported case involving the 1999 murder of an Australian missionary and his sons, with a death sentence having been rendered against the main perpetrator of that violence."

"Perhaps most notably, a series of actions by Indian officials during the past year have prevented similar outbreaks of large-scale religiously motivated violence in several volatile locales. In August 2003, twin deadly bombings in Mumbai by groups seeking to avenge the previous year's violence in Gujarat were followed by official statements seeking to defuse potential violence, and silent, rather than violent, marches in response. Most recently, arrests and diversion of thousands of demonstrators and deployment of troops in Ayodhya in October 2003 prevented a widely-expected potentially violence-inciting rally by religious nationalists."

"We remain very concerned about growing threats to the religiously plural foundations of Indian society. The pace of prosecutions against individual perpetrators of the Gujarat and other religious violence is slow. This is a moment when Indian government officials need to act in defense of religious freedom by forcefully denouncing and taking concrete steps to redress religious-based violence in order to preserve their own legitimacy with respect to human rights. Nonetheless, despite our concerns, we feel that adding India to the CPC list of nations is inappropriate at this time. India has the legal and democratic traditions to deal with religious intolerance and should be strongly encouraged to do so."

U.S. Commission on International Religious Freedom

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Dean Michael K. Young, Chair

- Felice D. Gaer, Vice Chair Nina Shea, Vice Chair Preeta D. Bansal Patti Chang Archbishop Charles J. Chaput Khaled Abou El Fadl Richard Land Bishop Ricardo Ramirez Ambassador John V. Hanford III, Ex-Officio Joseph R. Crapa, Executive Director